UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,632	04/04/2000	Bryan J. Moles	SAMS01-00102	5791

23990 7590 11/03/2005

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER	
YUN, EUGENE	
ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/542,632	MOLES ET AL.	
	Examiner	Art Unit	
	Eugene Yun	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 December 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5-7, 10-12, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (US 6,587,684) in view of Chow et al. (US 6,243,572).

Referring to Claim 1, Hsu teaches a wireless network comprising a plurality of base stations, each of said base stations capable of communicating with a plurality of mobile stations (see col. 5, lines 52-56), a service provisioning system capable of provisioning a first one of said plurality of mobile stations comprising:

a database capable of storing a service provisioning file comprising a mobile station service provisioning program (see col. 7, lines 6-17) in interpreted byte-code format (see col. 6, lines 48-57); and

a provisioning controller coupled to said database capable of receiving a notification indicating that first mobile station is unprovisioned and further capable (see col. 4, lines 31-34), in response to receipt of said notification, of retrieving said service

provisioning file from said database and transmitting said service provisioning file to said first mobile station (see col. 4, lines 34-40).

Hsu does not teach that receipt of said service provisioning file causes said first mobile station to automatically execute said mobile station service provisioning program in said service provisioning file, execution of said mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator. Chow teaches that that receipt of said service provisioning file causes said first mobile station to automatically execute said mobile station service provisioning program in said service provisioning file, execution of said mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator (see col. 2, lines 32-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Chow to said device of Hsu in order to save more time activating a mobile station.

Referring to Claim 6, Hsu teaches a mobile station capable of being provisioned from a wireless network by an over-the-air (OTA) service provisioning process (see col. 4, lines 7-9), said mobile station comprising:

an RF transceiver capable of receiving and demodulating forward channel messages from said wireless network and further capable of modulating and transmitting reverse channel messages to said wireless network (see col. 4, lines 22-26); and

a main controller capable of receiving said demodulated forward channel messages from said RF transceiver and extracting therefrom a service provisioning file containing a mobile station service provisioning program (see col. 4, lines 31-37) in interpreted byte-code format (see col. 6, lines 48-57), wherein said main controller, in response to receipt of said service provisioning file, is capable of interpreting and executing said mobile station service provisioning program (see col. 12, lines 49-52). Hsu does not teach the execution of said mobile station service provisioning program automatically provisioning said mobile station without further interaction from a service operator. Chow teaches the execution of said mobile station service provisioning program automatically provisioning said mobile station without further interaction from a service operator (see col. 2, lines 32-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Chow to said device of Hsu in order to save more time activating a mobile station.

Referring to Claim 11, Hsu teaches a wireless network comprising a plurality of base stations, each of said base stations capable of communicating with a plurality of mobile stations (see col. 5, lines 52-56), a method of provisioning a first one of the plurality of mobile stations comprising the steps of:

storing in a database a service provisioning file comprising a mobile station service provisioning program (see col. 7, lines 6-17) in interpreted byte-code format (see col. 6, lines 48-57); and

determining whether the first mobile station is provisioned (see col. 4, lines 31-34);

in response to a determination that the mobile station is unprovisioned, retrieving the service provisioning file from said database, and transmitting the service provisioning file to the first mobile station (see col. 4, lines 34-40).
Hsu does not teach that the receipt of the service provisioning file causes the first mobile station to automatically execute the mobile station service provisioning program in the service provisioning file, execution of the mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator. Chow teaches that the receipt of the service provisioning file causes the first mobile station to automatically execute the mobile station service provisioning program in the service provisioning file, execution of the mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator (see col. 2, lines 32-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Chow to said device of Hsu in order to save more time activating a mobile station.

Referring to Claims 2, 7, and 12, Hsu also teaches provisioning data used to configure the first mobile station to communicate with the wireless network (see col. 4, lines 22-30).

Referring to Claim 5, Hsu also teaches a security apparatus capable of determining that said first mobile station is unprovisioned and, in response to said determination, generating and transmitting said notification to said provisioning controller (see col. 4, lines 31-37).

Referring to Claim 16, Hsu teaches a method of performing an over-the-air (OTA) service provisioning of a mobile station from a wireless network (see col. 4, lines 7-9) comprising the steps of:

receiving and demodulating forward channel messages from the wireless network (see col. 4, lines 22-26);

extracting from the demodulated forward channel messages a service provisioning file containing a mobile station service provisioning program (see col. 4, lines 31-37) in interpreted byte-code format (see col. 6, lines 48-57); and

interpreting and executing said mobile station service provisioning program (see col. 12, lines 49-52), wherein the mobile station service provisioning program comprises a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process (see col. 6, lines 48-57).
Hsu does not teach the execution of said mobile station service provisioning program automatically provisioning said mobile station without further interaction from a service operator. Chow teaches the execution of said mobile station service provisioning program automatically provisioning said mobile station without further interaction from a service operator (see col. 2, lines 32-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Chow to said device of Hsu in order to save more time activating a mobile station.

Referring to Claim 17, Hsu also teaches provisioning data used to configure the mobile station to communicate with the wireless network (see col. 4, lines 22-30).

Referring to Claim 10, Hsu also teaches said mobile station service provisioning program comprising a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process (see col. 6, lines 48-57).

Referring to Claim 20, Vucetic also teaches deleting the service provisioning file from a memory in the mobile station at an end of the service provisioning process (see col. 12, lines 45-52).

4. Claims 3, 4, 8, 9, 13-15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu and Chow and further in view of Weber et al. (US 6,314,282).

Referring to Claim 3 and 8, the combination of Hsu and Chow does not teach a stale code generated by said provisioning controller. Weber teaches a stale code generated by said provisioning controller, said stale code indicating a time duration since said service provisioning file was transmitted to said first mobile station (see col. 9, lines 37-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to the modified device of Hsu and Chow in order to reduce error in the mobile station provisioning process.

Referring to Claims 4 and 9, Weber also teaches said mobile station transmitting said stale code back to said provisioning controller and wherein said provisioning controller prevents said first mobile station from being provisioned if said time duration exceeds a predetermined maximum threshold (see col. 9, lines 40-43). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to the modified device of Hsu and Chow in order to reduce error in the mobile station provisioning process.

Referring to Claims 13 and 18, the combination of Hsu and Chow does not teach generating a stale code and transmitting the stale code to the first mobile station, the stale code indicating a time at which the service provisioning file was transmitted to the first mobile station. Weber teaches generating a stale code and transmitting the stale code to the first mobile station, the stale code indicating a time at which the service provisioning file was transmitted to the first mobile station (see col. 9, lines 54-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to the modified device of Hsu and Chow in order to reduce error in the mobile station provisioning process.

Referring to Claims 14 and 19, Weber also teaches receiving from the mobile station a copy of the stale code transmitted back to the wireless network and determining a time duration since the service provisioning file was transmitted to the first mobile station (see col. 9, lines 37-40 and lines 50-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to the modified device of Hsu and Chow in order to reduce error in the mobile station provisioning process.

Referring to Claim 15, Weber also teaches determining if the time duration exceeds a predetermined maximum threshold and preventing the first mobile station from being provisioned if the time duration exceeds the predetermined maximum

threshold (see col. 9, lines 40-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to the modified device of Hsu and Chow in order to reduce error in the mobile station provisioning process.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien Vuong can be reached on (571)272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eugene Yun
Examiner
Art Unit 2682

EY

MARCEAU MILORD
PRIMARY EXAMINER